

MATIAS L. CHACON
P. R. MELENDEZ

CHACON AND MELENDEZ
ATTORNEYS AND COUNSELORS AT LAW
P. O. BOX RR
ESPANOLA, NEW MEXICO

TELEPHONE 753-2265

October 5, 1964

Mr. Juan Manuel Velasquez
Coyote, New Mexico

Mrs. Corlinda Lujan, of Coyote, New Mexico, has asked me to write to you in an attempt to settlement of her water rights at Coyote, New Mexico, which is the N 1/2 of Section 14 Twp. 22 North Range 2E, and which is property which is presently owned by Mrs. Lujan.

As you know, the District Court of Rio Arriba County adjudicated water rights for 44.2 acres in the name of Jose Onesimo Lujan, and Corlinda Lujan, his wife. The other people which are making claim to water, namely, Soraida L. Martinez, and Fabian Lujan, do not have any rights to any water, and therefore, all the water belongs to Mrs. Lujan, unless they present an Order from the Court showing that they are entitled to share in the water.

If you have any further questions with regards to this matter, please stop in my office some time that you are in Espanola, and I will explain this to you.

Thanking you I remain,

Very truly yours,

CHACON AND MELENDEZ

BY

Matias L. Chacon
MATIAS L. CHACON *lc.*

MLC:tc.

cc: Mr. Manuel Morfin



Montoya (& Murphy)

ATTORNEYS AT LAW

DONALD D. MONTOYA

DENNIS P. MURPHY

Michael A. Kauffman

229 JOHNSON ST., SUITE A
P O BOX 2124
SANTA FE, N M 87501
PHONE (505) 982-1873

May 14, 1980

Mr. George C. Shaw
Natural Resources Department
Water Resources Division
Bataan Memorial Building
State Capitol
Santa Fe, New Mexico, 87503

Dear Mr. Shaw:

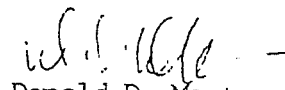
This letter is to confirm our recent conversation wherein we discussed the adjudicated water rights in favor of Clorinda Lujan in the North 1/2 of Section 14 in Township 22 North, Range 2, East as shown on the Hydrographic Survey Map sheet No. 16 through 19. Apparently some confusion had arisen as to the amount of acre feet of water to which the Lujans were entitled. After a review of the pertinent documents, we have determined that Mrs. Lujan has been adjudicated 1.5 acre feet of water per acre. In that Mrs. Lujan has 42.2 acres of irrigated land and had 42.2 acres at the time that the water rights were adjudicated, Mrs. Lujan is entitled to 63.3 acre feet of water per year.

I would appreciate you again reviewing your file as it relates to the water rights herein discussed and confirming our conversation and this letter by return letter.

Your help and cooperation in this matter is appreciated.

Sincerely,

MONTOYA & MURPHY


Donald D. Montoya

DDM/cm

cc: Mrs. Clorinda Lujan

Jolene McCaleb

From: randylovato@comcast.net
Sent: Wednesday, February 02, 2011 1:24 PM
To: Jolene McCaleb
Subject: rotation schedule for past five years
Attachments: 2010 Acequia del Medio Sch.xls; 2008 Acequia del Medio Sch.xls; 2007 Acequia del Medio.xls; 2006 Acequia del Medio Sch.xls

Attached are the water schedules and the parcientes who received water and will receive water in the future. In the 2010 schedule is also the 2009 schedule.



MESA DEL MEDIO ACEQUIA ASSOCIATION**2001 Irrigation Schedule****CYCLE NO. 8:****8/10/07****Asta****8/29/07**

PARCIANTE	HORAS	DE	ASTA
Ricky	24	Viernes 8/10/07 6:00 PM	Sabado 8/11/07 6:00 PM
Mark	24	Sabado 8/11/07 6:00 PM	Domingo 8/12/07 6:00 PM
Manuel	14	Domingo 8/12/07 6:00 PM	Lunes 8/13/07 8:00 AM
Valdez Inc.	10	Lunes 8/13/07 8:00 AM	Lunes 8/13/07 6:00 PM
Valdez Inc.	24	Lunes 8/13/07 6:00 PM	Martes 8/14/07 6:00 PM
Corlinda	24	Martes 8/14/07 6:00 PM	Miercoles 8/15/07 6:00 PM
Corlinda	18	Miercoles 8/15/07 6:00 PM	Jueves 8/16/07 12:00 PM
Ted	6	Jueves 8/16/07 12:00 PM	Jueves 8/16/07 6:00 PM
Rudy Ben	24	Jueves 8/16/07 6:00 PM	Viernes 8/17/07 6:00 PM
Rudy Ben	16	Viernes 8/17/07 6:00 PM	Sabado 8/18/07 10:00 AM
Rudy Ben	8	Sabado 8/18/07 10:00 AM	Sabado 8/18/07 6:00 PM
Leandro/Estella	24	Sabado 8/18/07 6:00 PM	Domingo 8/19/07 6:00 PM
Angie/Benito	24	Domingo 8/19/07 6:00 PM	Lunes 8/20/07 6:00 PM
Angie/Benito	12	Lunes 8/20/07 6:00 PM	Martes 8/21/07 6:00 AM
Ted	12	Martes 8/21/07 6:00 AM	Martes 8/21/07 6:00 PM
Joaquin	24	Martes 8/21/07 6:00 PM	Miercoles 8/22/07 6:00 PM
Wayne	24	Miercoles 8/22/07 6:00 PM	Jueves 8/23/07 6:00 PM
Leo	24	Jueves 8/23/07 6:00 PM	Viernes 8/24/07 6:00 PM
Leo	24	Viernes 8/24/07 6:00 PM	Sabado 8/25/07 6:00 PM
Leo	24	Sabado 8/25/07 6:00 PM	Domingo 8/26/07 6:00 PM
Leo	24	Domingo 8/26/07 6:00 PM	Lunes 8/27/07 6:00 PM
Belarmino	17	Lunes 8/27/07 6:00 PM	Martes 8/28/07 11:00 AM
Levi	8	Martes 8/28/07 11:00 AM	Martes 8/28/07 7:00 PM
Leo	11	Martes 8/28/07 7:00 PM	Miercoles 8/29/07 6:00 AM
Steve/Pres	12	Miercoles 8/29/07 6:00 AM	Miercoles 8/29/07 6:00 PM

MESA DEL MEDIO ACEQUIA ASSOCIATION**2005 Irrigation Schedule****CYCLE NO. 1:****4/16/06****Hasta****5/5/06**


PARCIANTE	HORAS	DE	HASTA
Ricky	24	Domingo 4/16/06 6:00 PM	Lunes 4/17/06 6:00 PM
Mark	24	Lunes 4/17/06 6:00 PM	Martes 4/18/06 6:00 PM
Manuel	14	Martes 4/18/06 6:00 PM	Miercoles 4/19/06 8:00 AM
Valdez Inc.	10	Miercoles 4/19/06 8:00 AM	Miercoles 4/19/06 6:00 PM
Valdez Inc.	24	Miercoles 4/19/06 6:00 PM	Jueves 4/20/06 6:00 PM
Corlinda	24	Jueves 4/20/06 6:00 PM	Viernes 4/21/06 6:00 PM
Corlinda	18	Viernes 4/21/06 6:00 PM	Sabado 4/22/06 12:00 PM
Ted	6	Sabado 4/22/06 12:00 PM	Sabado 4/22/06 6:00 PM
Rudy	24	Sabado 4/22/06 6:00 PM	Domingo 4/23/06 6:00 PM
Rudy	15.5	Domingo 4/23/06 6:00 PM	Lunes 4/24/06 9:30 AM
Consuelo	8.5	Lunes 4/24/06 9:30 AM	Lunes 4/24/06 6:00 PM
Richard/Estella	24	Lunes 4/24/06 6:00 PM	Martes 4/25/06 6:00 PM
Tomas	24	Martes 4/25/06 6:00 PM	Miercoles 4/26/06 6:00 PM
Tomas	12	Miercoles 4/26/06 6:00 PM	Jueves 4/27/06 6:00 AM
Leandro	12	Jueves 4/27/06 6:00 AM	Jueves 4/27/06 6:00 PM
Joaquin	24	Jueves 4/27/06 6:00 PM	Viernes 4/28/06 6:00 PM
Rosalia	24	Viernes 4/28/06 6:00 PM	Sabado 4/29/06 6:00 PM
Leo	24	Sabado 4/29/06 6:00 PM	Domingo 4/30/06 6:00 PM
Leo	24	Domingo 4/30/06 6:00 PM	Lunes 5/1/06 6:00 PM
Leo	24	Lunes 5/1/06 6:00 PM	Martes 5/2/06 6:00 PM
Leo	24	Martes 5/2/06 6:00 PM	Miercoles 5/3/06 6:00 PM
Belarmino	17	Miercoles 5/3/06 6:00 PM	Jueves 5/4/06 11:00 AM
Levi	8	Jueves 5/4/06 11:00 AM	Jueves 5/4/06 7:00 PM
Leo	11	Jueves 5/4/06 7:00 PM	Viernes 5/5/06 6:00 AM
Pres/Steve	12	Viernes 5/5/06 6:00 AM	Viernes 5/5/06 6:00 PM

MESA DEL MEDIO ACEQUIA ASSOCIATION**2008 Irrigation Schedule****CYCLE NO. 1:****4/4/08****Hasta****4/23/08**


PARCIANTE	HORAS	DE	HASTA
Ricky	24	Viernes 4/4/08 6:00 PM	Sabado 4/5/08 6:00 PM
Mark	24	Sabado 4/5/08 6:00 PM	Domingo 4/6/08 6:00 PM
Manuel	14	Domingo 4/6/08 6:00 PM	Lunes 4/7/08 8:00 AM
Valdez Inc.	10	Lunes 4/7/08 8:00 AM	Lunes 4/7/08 6:00 PM
Valdez Inc.	24	Lunes 4/7/08 6:00 PM	Martes 4/8/08 6:00 PM
Corlinda	24	Martes 4/8/08 6:00 PM	Miercoles 4/9/08 6:00 PM
Corlinda	18	Miercoles 4/9/08 6:00 PM	Jueves 4/10/08 12:00 PM
Ted	6	Jueves 4/10/08 12:00 PM	Jueves 4/10/08 6:00 PM
Rudy	24	Jueves 4/10/08 6:00 PM	Viernes 4/11/08 6:00 PM
Rudy	15.5	Viernes 4/11/08 6:00 PM	Sabado 4/12/08 9:30 AM
Consuelo	8.5	Sabado 4/12/08 9:30 AM	Sabado 4/12/08 6:00 PM
Richard/Estella	24	Sabado 4/12/08 6:00 PM	Domingo 4/13/08 6:00 PM
Tomas	24	Domingo 4/13/08 6:00 PM	Lunes 4/14/08 6:00 PM
Tomas	12	Lunes 4/14/08 6:00 PM	Martes 4/15/08 6:00 AM
Young/Ted	12	Martes 4/15/08 6:00 AM	Martes 4/15/08 6:00 PM
Joaquin	24	Martes 4/15/08 6:00 PM	Miercoles 4/16/08 6:00 PM
Rosalia	24	Miercoles 4/16/08 6:00 PM	Jueves 4/17/08 6:00 PM
Leo	24	Jueves 4/17/08 6:00 PM	Viernes 4/18/08 6:00 PM
Leo	24	Viernes 4/18/08 6:00 PM	Sabado 4/19/08 6:00 PM
Leo	24	Sabado 4/19/08 6:00 PM	Domingo 4/20/08 6:00 PM
Leo	24	Domingo 4/20/08 6:00 PM	Lunes 4/21/08 6:00 PM
Belarmino	17	Lunes 4/21/08 6:00 PM	Martes 4/22/08 11:00 AM
Levi	8	Martes 4/22/08 11:00 AM	Martes 4/22/08 7:00 PM
Leo	11	Martes 4/22/08 7:00 PM	Miercoles 4/23/08 6:00 AM
Pres/Steve	12	Miercoles 4/23/08 6:00 AM	Miercoles 4/23/08 6:00 PM

MESA DEL MEDIO ACEQUIA ASSOCIATION**2009 Irrigation Schedule**

CYCLE NO. 1: 4/18/10 Hasta 5/7/10



PARCIANTE	HORAS	DE	HASTA
Ricky	24	Domingo 4/18/10 6:00 PM	Lunes 4/19/10 6:00 PM
Mark	24	Lunes 4/19/10 6:00 PM	Martes 4/20/10 6:00 PM
Manuel	14	Martes 4/20/10 6:00 PM	Miercoles 4/21/10 8:00 AM
Valdez Inc.	10	Miercoles 4/21/10 8:00 AM	Miercoles 4/21/10 6:00 PM
Valdez Inc.	24	Miercoles 4/21/10 6:00 PM	Jueves 4/22/10 6:00 PM
Corlinda	24	Jueves 4/22/10 6:00 PM	Viernes 4/23/10 6:00 PM
Corlinda	18	Viernes 4/23/10 6:00 PM	Sabado 4/24/10 12:00 PM
Ted	6	Sabado 4/24/10 12:00 PM	Sabado 4/24/10 6:00 PM
Rudy Ben	24	Sabado 4/24/10 6:00 PM	Domingo 4/25/10 6:00 PM
Rudy Ben	15.5	Domingo 4/25/10 6:00 PM	Lunes 4/26/10 9:30 AM
Levi	8.5	Lunes 4/26/10 9:30 AM	Lunes 4/26/10 6:00 PM
Richard/Estella	24	Lunes 4/26/10 6:00 PM	Martes 4/27/10 6:00 PM
Angie	24	Martes 4/27/10 6:00 PM	Miercoles 4/28/10 6:00 PM
Angie	12	Miercoles 4/28/10 6:00 PM	Jueves 4/29/10 6:00 AM
Young/Ted	12	Jueves 4/29/10 6:00 AM	Jueves 4/29/10 6:00 PM
Joaquin	24	Jueves 4/29/10 6:00 PM	Viernes 4/30/10 6:00 PM
Velasquez Brothe	24	Viernes 4/30/10 6:00 PM	Sabado 5/1/10 6:00 PM
Leo	24	Sabado 5/1/10 6:00 PM	Domingo 5/2/10 6:00 PM
Leo	24	Domingo 5/2/10 6:00 PM	Lunes 5/3/10 6:00 PM
Leo	24	Lunes 5/3/10 6:00 PM	Martes 5/4/10 6:00 PM
Leo	24	Martes 5/4/10 6:00 PM	Miercoles 5/5/10 6:00 PM
Belarmino	17	Miercoles 5/5/10 6:00 PM	Jueves 5/6/10 11:00 AM
Levi	8	Jueves 5/6/10 11:00 AM	Jueves 5/6/10 7:00 PM
Leo	11	Jueves 5/6/10 7:00 PM	Viernes 5/7/10 6:00 AM
Pres/Steve	12	Viernes 5/7/10 6:00 AM	Viernes 5/7/10 6:00 PM

*Land with
approval @
3/24/12 mtg*

Acequia Mesa del Medio Minutes

The Special meeting was called to order at 10:21 a.m. on January 15, 2012. Roll call was taken and those present were: Sylvia for Richard Garcia, Pat Valdez for Valdez Inc., Benito Morfin, Ted Chacon, Rudy Ben Velasquez, Ted Chacon for Young, Leo Salazar, Levi Herrera, Steve Salazar, Belamino Martinez, Manuel Valdez, and Pres Salazar. Those absent were: Mark Valdez, Angie Romero, and Estella Garcia.

Janice Varela from the New Mexico Water Association arrived at 10:30 a.m. David Garcia, Janice' trainee arrived at 1:10 p.m.

Pat made a motion to go into executive session immediately to discuss the pending ligation brought on by Corlinda Lujan. Belarmino seconded the motion. The motion passed by majority vote.

Toby made a motion to reject the compliant and retain the derecho system. The motion was seconded by Steve. Those in favor were: Ted, Ricky, Manuel, Wayne, Pres, Benito Morfin, Steve, Levi, Leo, Belarmino, and Sylvia. The motion passed by majority vote.

Ricky said we needed to appoint a committee to find and retain an attorney. *Pat Valdez* *with the help of the comte.* Gabe made a motion to appoint the committee and give them the authority to retain an attorney. The motion was seconded by Pat. Motion passed by majority vote. The committee members are: Ricky, Ted, Gabe, Benito Salazar, Toby, and Belarmino. Since they are volunteers we don't have to vote them in.

There was some discussion about why Leandro Martinez has not been on the irrigation schedule for some years. He purchased 28 acres of which 22.2 acres are irrigatible. Leo made a motion that we recognize Leandro as a Parciante. The motion was seconded by Wayne. The motion passed by majority vote.

Janice wants to help us revise the by-laws and she recommends we move forward now. Janice says they are a non-profit State wide organization which is split by regions. They receive funding from foundations, organizations, and the legislature. Once the by-laws are completed, we should have a meeting and the membership votes on them. The organization can help us with funding when possible. The membership fee is \$15 for individuals and \$30 a year for the Acequia. Wayne made a



motion that we join the association. The motion was seconded by Pat. The motion passed by majority vote.

Ted made a motion to collect \$250 per Parciante to retain an attorney to fight the complaint brought on by Corlinda Lujan. The motion was seconded by Gabe. The motion passed by majority vote.

Wayne made a motion to adjourn the meeting at 1:20. The motion was seconded by Pat. The motion passed by majority vote.

APPENDIX A – LIST OF PARCIANTES

March 24, 2012

This list will be updated as necessary in accordance with the amendment provisions set forth in Article 11, Section 1 of these bylaws, and upon validation of compliance with name, address, and change of ownership requirements in Sections 7 and 8 of Article 6.

1. Richard Martinez

2. Richard Garcia

3. Estella Garcia

4. Mark Valdez

5. Mannel Valdez

6. Valdez Inc.



7. Corlinda Lujan

8. Jose Leandro Martinez

9. Ted Chacon

10. Rudy Ben Velasquez

11. Levi Herrera

12. Angie Romero

13. Samuel Young

14. Leonard Morfin

15. Velasquez Bros.

16. Leo Salazar

17. Pres Salazar

18. Steve Salazar

19. Belarmino Martinez

ACEQUIA MESA DEL MEDIO**2012 Irrigation Schedule**

Rotations 1 & 2

April 1, 2012

to

May 9, 2012

PARCIANTE	HRS	DE	HASTA
Ricky	24	Domingo 4/1/12 6:00 PM	Lunes 4/2/12 6:00 PM
Mark	19	Lunes 4/2/12 6:00 PM	Martes 4/3/12 1:00 PM
Manuel	19	Martes 4/3/12 1:00 PM	Miercoles 4/4/12 8:00 AM
Valdez Inc.	34	Miercoles 4/4/12 8:00 AM	Jueves 4/5/12 6:00 PM
Corlinda	24	Jueves 4/5/12 6:00 PM	Viernes 4/6/12 6:00 PM
Leandro	18	Viernes 4/6/12 6:00 PM	Sabado 4/7/12 12:00 PM
Ted	6	Sabado 4/7/12 12:00 PM	Sabado 4/7/12 6:00 PM
Rudy Ben	39.5	Sabado 4/7/12 6:00 PM	Lunes 4/9/12 9:30 AM
Levi	8.5	Lunes 4/9/12 9:30 AM	Lunes 4/9/12 6:00 PM
Richard	12	Lunes 4/9/12 6:00 PM	Martes 4/10/12 6:00 AM
Stella	12	Martes 4/10/12 6:00 AM	Martes 4/10/12 6:00 PM
Angie	36	Martes 4/10/12 6:00 PM	Jueves 4/12/12 6:00 AM
Young/Ted	12	Jueves 4/12/12 6:00 AM	Jueves 4/12/12 6:00 PM
Joaquin	24	Jueves 4/12/12 6:00 PM	Viernes 4/13/12 6:00 PM
Velásquez Bros.	24	Viernes 4/13/12 6:00 PM	Sabado 4/14/12 6:00 PM
Leo	96	Sabado 4/14/12 6:00 PM	Miercoles 4/18/12 6:00 PM
Belarmino	17	Miercoles 4/18/12 6:00 PM	Jueves 4/19/12 11:00 AM
Levi	8	Jueves 4/19/12 11:00 AM	Jueves 4/19/12 7:00 PM
Leo	11	Jueves 4/19/12 7:00 PM	Viernes 4/20/12 6:00 AM
Pres	6	Viernes 4/20/12 6:00 AM	Viernes 4/20/12 12:00 PM
Steven	6	Viernes 4/20/12 12:00 PM	Viernes 4/20/12 6:00 PM
Ricky	24	Viernes 4/20/12 6:00 PM	Sabado 4/21/12 6:00 PM
Mark	19	Sabado 4/21/12 6:00 PM	Domingo 4/22/12 1:00 PM
Manuel	19	Domingo 4/22/12 1:00 PM	Lunes 4/23/12 8:00 AM
Valdez Inc.	34	Lunes 4/23/12 8:00 AM	Martes 4/24/12 6:00 PM
Corlinda	24	Martes 4/24/12 6:00 PM	Miercoles 4/25/12 6:00 PM
Leandro	18	Miercoles 4/25/12 6:00 PM	Jueves 4/26/12 12:00 PM
Ted	6	Jueves 4/26/12 12:00 PM	Jueves 4/26/12 6:00 PM
Rudy Ben	39.5	Jueves 4/26/12 6:00 PM	Sabado 4/28/12 9:30 AM
Levi	8.5	Sabado 4/28/12 9:30 AM	Sabado 4/28/12 6:00 PM
Richard	12	Sabado 4/28/12 6:00 PM	Domingo 4/29/12 6:00 AM
Estella	12	Domingo 4/29/12 6:00 AM	Domingo 4/29/12 6:00 PM
Angie	36	Domingo 4/29/12 6:00 PM	Martes 5/1/12 6:00 AM
Young/Ted	12	Martes 5/1/12 6:00 AM	Martes 5/1/12 6:00 PM
Joaquin	24	Martes 5/1/12 6:00 PM	Miercoles 5/2/12 6:00 PM
Velásquez Bros.	24	Miercoles 5/2/12 6:00 PM	Jueves 5/3/12 6:00 PM
Leo	96	Jueves 5/3/12 6:00 PM	Lunes 5/7/12 6:00 PM
Belarmino	17	Lunes 5/7/12 6:00 PM	Martes 5/8/12 11:00 AM
Levi	8	Martes 5/8/12 11:00 AM	Martes 5/8/12 7:00 PM
Leo	11	Martes 5/8/12 7:00 PM	Miercoles 5/9/12 6:00 AM
Pres	6	Miercoles 5/9/12 6:00 AM	Miercoles 5/9/12 12:00 PM
Steven	6	Miercoles 5/9/12 12:00 PM	Miercoles 5/9/12 6:00 PM

Note: This schedule is subject to change based on delinquent assessments. Contact the Mayordomo at (575) 638-0047 for updates. Rotation continues based on water availability.

Corlinda Lujan – your 2012 ditch dues are: **\$37.50**

Your check should be made out to **Acequia Mesa del Medio**.

Payment must be delivered by **May 5, 2012** to the Mayordomo, any member of the Comisión, or mailed to: P.O. Box 137, Coyote, NM 87012.

EXHIBIT**D**

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO ex rel.)	
State Engineer,)	
)	No. 69cv07941-BB/LFG
Plaintiffs,)	
)	RIO CHAMA ADJUDICATION
vs.)	
)	
ROMAN ARAGON, et al.,)	
)	
Defendants.)	

AFFIDAVIT OF JOLENE L. McCALEB

I, JOLENE L. McCALEB, being first duly sworn upon oath do hereby depose and state:

1. The statements herein are based on my own personal knowledge.
2. I am a partner in the law firm of Taylor & McCaleb, P.A., and I am one of the attorneys representing Corlinda H. Lujan before this Court. I also am one of the attorneys representing Mrs. Lujan in the First Judicial District Court for the State of New Mexico with regard to a lawsuit she has filed against her acequia, *Lujan v. Acequia Mesa del Medio et al.*, Cause No. D-117-CV-2011-00521.
3. Today, June 15, 2012, I participated in a hearing in the *Lujan* case before the Honorable Stephen Pfeffer. The hearing addressed Defendants' Motion to Dismiss Complaint for Failure to Join Necessary Parties and for Lack of Jurisdiction ("Motion"). In their Motion, and at oral argument, Defendants contended that Jose Leandro Martinez and Magdalena L. Martinez are necessary parties to Mrs. Lujan's state court suit because Defendants believe the Martinezes have an ownership interest in water rights decreed in the name of Mrs. Lujan.
4. After the oral argument, Judge Pfeffer ruled from the bench that Mrs. Lujan must join the Martinezes, among others. Judge Pfeffer stated that the purpose of joining the



Martinezes in the state court lawsuit is to litigate the ownership of water rights the Acequia asserts belong to the Martinezes.

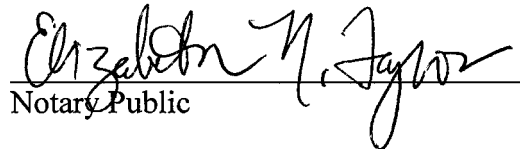
5. Judge Pfeffer ordered counsel for Defendants to prepare an order. Because the hearing was today, no order has been yet been prepared, and no transcript is available.

FURTHER, AFFIANT SAYETH NAUGHT.

Dated: June 15, 2012


JOLENE L. McCALEB

SUBSCRIBED, SWORN TO and ACKNOWLEDGED before me this 15th day of June
2012 by Jolene L. McCaleb.


Notary Public

My Commission expires:

Aug. 22, 2012



STATE OF NEW MEXICO

COUNTY OF RIO ARriba

IN THE DISTRICT COURT

ESEQUIEL ORTEGA and MRS. AMBROSIA)
L. ORTEGA, his wife, JOSE SALAZAR and)
FRANCES SALAZAR, his wife, and EPIFANIO)
SALAZAR, and ROSA SALAZAR, his wife,)
Plaintiffs,)

vs.)

No. 9459

FACUNDO B. MARTINEZ and ANTONIO)
VELASQUEZ, individually, and as)
Commissioners of the ACEQUIA)
PINABETAL No. 3.)
Defendants.)

C O M P L A I N T

COME NOW the Plaintiffs and for their Complaint against the Defendants state and allege as follows:

1. That the Plaintiffs and the Defendants are residents of Rio Arriba County, New Mexico, and that the lands and ditches and waters, herein question are located in Rio Arriba County, New Mexico.

2. That the Defendants Facundo B. Martinez, Antonio Velasquez, and the Plaintiff, Esequiel Ortega, are the duly elected and acting commissioners of the ACEQUIA PINABETAL No. 3.

3. That the Plaintiffs and Defendants are entitled to water rights in the Rio Puerco de Chama Stream System, and more particularly from the ACEQUIA PINABETAL NO. 3, all as adjudicated per Final Decree in the case of CHACON et. al., vs. CHACON et. al., Rio Arriba County, Cause No. 4922. That the amount of acreage, the location of said acreage, and the map sheet number of the hydrographic survey to which the Plaintiffs and Defendants are entitled to and which was adjudicated in Rio Arriba County

EXHIBIT

F

District Court Cause No. 4922, are as follows:

<u>NAME</u>	<u>AMOUNT OF ACREAGE</u>	<u>LOCATION OF ACREAGE</u>
Jose D. Gallegos (separated)	8.3 A.	SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 14 T. 22 N., R. 2 E.
Preciliano Gallegos and Sedilio M. Gallegos	13.4 A.	SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 14 T. 22 N., R. 2 E.
Antonio Velasquez and Calota M. Velasquez	39.4 A.	E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 14, T. 22 N., R. 2 E.
Eduardo Martinez and Luisita C. Martinez and Tony C. Martinez and Erminio L. Martinez	11.9 A.	SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 23, T. 22 N., R. 2 E.
Esequiel Ortega and Mrs. Ambrosia L. Ortega	43.2 A.	NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 23, T. 22 N., R. 2 E.
Jose and Epifanio Salazar and wives	23.9 A.	E $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 23, T. 22 N., R. 2 E.
Eduardo H. Martinez and Luisita C. Martinez, Erminio Martinez and Tony C. Martinez	25.1 A.	SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 22, T. 22 N., R. 2 E. S $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 21, T. 22 N., R. 2 E.
Facundo Martinez	24.9 A.	E $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 22, T. 22 N., R. 2 E.
Facundo B. Martinez and Emilia L. Martinez	15.2 A.	E $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 22, T. 22 N., R. 2 E.

4. That said Rio Arriba County District Court Cause No. 4922, and the Hydrographic Survey attached therein as an Exhibit, is not attached hereto and made a part hereof because of the bulkness of said cause and exhibit, but that the Court take judicial notice of the matters contained therein.

5. That the Defendants, composing the majority of the Ditch Commission of the said ACEQUIA PINABETAL No. 3, over the objections of the Defendants, have distributed the water for irrigation as follows:

<u>NAME OF WATER OWNER</u>	<u>NO. OF ACRES OWNED</u>	<u>TIME ALLOWED TO IRRIGATE</u>
Jose D. Gallegos (Separated)	8.3 A.	1 day & 1 night
Preciliano Gallegos and Sedilio M. Gallegos	13.4 A.	1 day & 1 night
Antonio Velasquez and Calota M. Velasquez	39.4 A.	3 days & 3 nights
Eduardo Martinez and Luisita C. Martinez and Tony C. Martinez and Erminio L. Martinez	11.9 A.	2 days & 2 nights
Esequiel Ortega and Mrs. Ambrosia L. Ortega	43.2 A.	1 day & 1 night
Jose and Epifanio Salazar and wives	23.9 A.	1 day & 1 night
Eduardo H. Martinez and Luisita C. Martinez, Erminio Martinez and Tony C. Martinez	25.1 A.	2 days & 2 nights
Facundo Martinez	24.9 A.	3 days & 3 nights
Facundo Martinez and Emilia L. Martinez	15.2 A.	

6. That the Plaintiff, Esequiel Ortega, who has 42.2 acres of irrigated land is only allowed to use the water for one day and one night, and the Plaintiffs Jose and Epifanio Salazar who own 23.9 acres are only allowed to use the water for one day and one night, while the Defendants, Antonio Velasquez who has only 39.4 acres, uses the water three days and three nights, and the Defendant, Facundo Martinez, who has only 15.2 acres, or possibly a total of 40.1 acres, if as he claims he has bought the water rights of Guillermo Martinez, is allowed to irrigate three days and three nights.

7. That the present distribution of the water for irrigation is unfair and unequitable, and the Defendants should be ordered forthwith, pending the final disposition of this cause, and permanently thereafter, to distribute the water for irrigation in an equitable manner, and more specifically in proportion to the number of acres that each water user has in said ditch.

8. That the Defendants have been using the water to which the Plaintiffs are entitled to; that the diversion and use of the waters of said ditch by the Defendants is an illegal diversion and use of waters because of the adjudicated rights of the Plaintiffs in Rio Arriba County Cause No. 4922.

9. That unless permanently enjoined from so doing, the Defendants will continue to distribute the water inequitable and will to continue to divert and use water from said ditch in a manner not in proportion to the number of acres that each water user has in said ditch, and will continue to interfere with the proper use of said ditch and the water therein by the Plaintiffs.

10. That by reason of the acts of the Defendants as aforesaid, and as a proximate result thereof, the Plaintiffs have suffered irreparable injury and will continue to suffer irreparable injury, unless the Defendants are forthwith ordered and without Notice of Hearing and after Order to Show Cause duly given, enjoined in the manner and form hereinafter prayed for.

11. That the Plaintiffs have no speedy or adequate remedy at law to prevent the continuation of the trespasses and acts of the Defendant aforesated for the reason that damages are inadequate, and were they adequate, the remedy at law should result in multiplying of suits.

12. That by reason of the aforesaid acts of the Defendants, and as a proximate result thereof, the Plaintiffs have suffered damages in the sum of \$1,500.00.

13. That the aforesaid acts of the Defendant were and are willful and unlawful and in derogation of the vested or adjudicated rights of the Plaintiffs, and by reason thereof Plaintiffs are entitled to punitive damages in the sum of \$1,000.00.

14. That the Defendants will not be damaged, injured, or prejudiced by the issuance of this Temporary Order hereinafter prayed for, therefore the Plaintiffs should not be required to post bond.

WHEREFORE Plaintiffs pray as follows:

1. That the Court forthwith issue a Temporary Order ordering the Defendants to distribute the waters from the ACEQUIA PINABETAL No. 3, in proportion to the number of acres which each water owner has in said ditch, and to restrain the Defendants from interfering with the Plaintiffs, in using the water from said ditch in said manner.

2. That the Court waive the posting of Bond because the issuance of the Temporary Order prayed for will not result in damage, injury, or prejudice, to the Defendants.

3. That the Court forthwith issue an Order requiring the Defendants to Show Cause, if any they have, on a day certain, as to why a preliminary order should not issue ordering them to distribute the waters from the ACEQUIA PINABETAL No. 3, in proportion to the number of acres which each water user has in said ditch, and to restrain the Defendants from interfering with the Plaintiffs in using the water from said ditch in said manner.

4. That the Defendants, their agents, employees, and assigns in office, be permanently ordered to perform the acts hereinabove contained in Paragraph 3, and that they be permanently enjoined from applying the waters of the Rio Puerco De Chama Stream System, for irrigation purposes, except in proportion to the number of acres which each water user has in the ACEQUIA PINABETAL NO. 3.

5. That Judgment be entered against the Defendants for actual damages to the Plaintiffs in the sum of \$1,500.00, and in the sum of \$1,000.00 as punitive damages.

6. For such other and further relief as to the Court may deem just and proper.

CHACON AND MELENDEZ

BY 

MATIAS L. CHACON
Attorney for Plaintiffs
P. O. Box RR
Espanola, New Mexico

IN THE DISTRICT COURT OF RIO ARRIBA COUNTY
STATE OF NEW MEXICO

FILED
AT ALBUQUERQUE

AUG 7 1969

E. E. GREESON
CLERK

RIO ARRIBA COURT

STATE OF NEW MEXICO, on the
relation of S. E. REYNOLDS,
State Engineer,

Plaintiff,

v.

No. 8294

RAMON ARAGON, et al.,

Defendants.

1969 OCT 7 AM 8 0

H. 71, P. 168-169

FILE
OF COURT
SUSPENSE

ORDER

This matter coming on to be heard on the Motion of the plaintiff State of New Mexico, on the relation of S. E. Reynolds, State Engineer, for the consolidation of Cause No. 4922 on the docket of this Court into the above-styled and captioned cause, and the Court having considered the grounds contained therein, and being otherwise fully advised in the premises, finds that said Cause No. 4922, entitled Chacon et al. v. Chacon et al.; State of New Mexico v. Chacon et al. in the District Court of the First Judicial District in and for the County of Rio Arriba, should be, and it is hereby, consolidated into the above-styled and captioned cause for all purposes.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that that certain Final Decree entered in the said Cause No. 4922 on the first day of June, 1962, as amended by Order of the Court in that cause on the 26th day of September, 1968, is hereby confirmed and adopted as if originally entered herein; and the rights of all parties in the said Cause No. 4922 to the use of the public waters of the Rio Puerco de Chama Stream System are hereby settled and decreed, as provided in that said decree as amended heretofore, as between each and every party therein and the State of New Mexico and, fur-

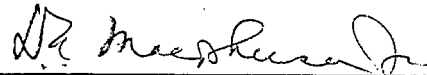
EXHIBIT

6

tabbles

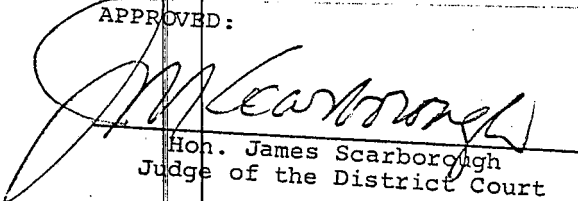
ther, as between and among each and every one of the said parties inter se. The said Final Decree hereby confirmed and adopted shall hereafter be entitled "Partial Final Judgment and Decree Relating to the Public Waters of the Rio Puerco de Chama" in the above-styled and captioned cause (No. 8294).

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that notice of any claim made hereafter in the above-styled and captioned cause, affecting or concerning the rights to the use of the public waters of the Rio Puerco de Chama as decreed in the said Partial Final Judgment, shall be given to the said parties in Cause No. 4922 by service of process upon them, sufficiently setting forth the nature of that claim.




Hon. D. A. MacPherson, Jr.
Judge of the District Court

APPROVED:



Hon. James Scarborough
Judge of the District Court



caus no 4922

Sept. 26

IN THE DISTRICT COURT OF RIO ARRIBA COUNTY
STATE OF NEW MEXICO

STATE OF NEW MEXICO, on the
relation of S. E. REYNOLDS,
State Engineer,

Plaintiff,

v.

RAMON ARAGON, et al.,

Defendants.

No. 8294

RIO ARRIBA COUNTY

FILED
AT ALBUQUERQUE
AUG 7 1969
E. E. GREESON
CLERK

MOTION TO CONSOLIDATE

COMES NOW the plaintiff State of New Mexico, on the relation of S. E. Reynolds, State Engineer, by and through his attorneys, and moves the Court to issue its Order consolidating the above-styled and captioned cause with that certain Cause No. 4922 on the docket of this Court, in and for the County of Rio Arriba, entitled Chacon, et al., v. Chacon, et al.; State of New Mexico v. Chacon et al., and as its grounds therefor states:

1. That the above-styled and captioned cause is a general adjudication of all rights to the use of the public waters of the Rio Chama Stream System;
2. That the said Cause No. 4922, Chacon v. Chacon, is an adjudication of certain rights to the use of the public waters of the Rio Puerco de Chama, a tributary of the Rio Chama; and that the State of New Mexico, on the relation of S. E. Reynolds, State Engineer, is a party to the said Cause No. 4922 as a plaintiff in intervention;
3. Chapter 75-4-6, N.M.S.A. 1953 Comp., provides in part as follows:

"In any suit for the determination of a right to use the waters of any stream system, all those whose claim to the use of such waters are of record and all other claimants, so far

EXHIBIT

H

tabbles

as they can be ascertained, with reasonable diligence, shall be made parties. . . . The court in which any suit involving the adjudication of water rights may be properly brought shall have exclusive jurisdiction to hear and determine all questions necessary for the adjudication of all water rights within the stream system involved. . . ."

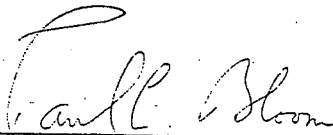
All parties to the said Cause No. 4922, Chacon v. Chacon, claim rights to the use of the waters of the Rio Puerco de Chama, a tributary stream of the Rio Chama, which tributary stream intermittently contributes to the mainstream of the Rio Chama, and each and every one of the claimants to the said waters of the said Rio Puerco de Chama is therefore a necessary party to an adjudication of all rights to the waters of the Rio Chama Stream System, pursuant to the statute quoted above;

4. All rights to the use of the waters of the said Rio Puerco de Chama in the said Cause No. 4922, Chacon v. Chacon, as between each and every party therein and the State of New Mexico, as well as between and among the said parties inter se, have been fixed, determined and decreed, and it is therefore in the interest of the said parties to that suit to avoid the great expense of time and money which would be required in a readjudication of their rights;
5. Consolidation of the said Cause No. 4922, Chacon v. Chacon, into the above-styled and captioned general adjudication of the Rio Chama Stream System, now pending in this Court, would make possible the adoption of all decrees heretofore entered in Cause No. 4922, Chacon v. Chacon, by this Court without prejudice to any party in either case, and would thereby

obviate the necessity of a readjudication of that tributary stream system. Chapter 21-1-1 (42), N.M.S.A. 1953 Comp., provides for the consolidation of causes as follows:

"When actions involving a common question of law or fact are pending before the Court, it may order a joint hearing or trial of any or all the matters in issue in the actions; it may order all the actions consolidated; and it may make such orders concerning proceedings therein and as may tend to avoid unnecessary costs or delay."

and the case law on the point in New Mexico establishes that the New Mexico Supreme Court has construed the said consolidation statute liberally in favor of a broad discretion in the District Court to consolidate causes where important grounds of public interest are involved, and the saving of substantial costs and the avoidance of hardship to parties may be thereby achieved.



Paul L. Bloom
Special Assistant Attorney General
State Engineer Office
State Capitol
Santa Fe, New Mexico 87501

ATTORNEY FOR PLAINTIFF